

deny or alter any benefit, status, or right (including tax-exempt status, tax treatment, educational funding, or a grant, contract, agreement, guarantee, loan, scholarship, license, certification, accreditation, claim, or defense) of any entity or person—

(1) if such benefit, status, or right does not arise from a marriage; or

(2) if such potential denial or alteration would be based in whole or in part on the belief, practice, or observance, of the entity or person about marriage.

On page 6, between lines 8 and 9, insert the following:

(c) NO IMPACT FROM PARTNERSHIPS.—For purposes of this Act, and any amendment made by this Act, no faith-based organization shall be considered to be acting under color of State law on the basis of any partnership the organization entered into with a government.

**SA 6497.** Mr. COTTON submitted an amendment intended to be proposed to amendment SA 6487 proposed by Mr. SCHUMER (for Ms. BALDWIN (for herself, Ms. COLLINS, Mr. PORTMAN, Ms. SINEMA, Mr. TILLIS, and Ms. LUMMIS)) to the bill H.R. 8404, to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage, and for other purposes; which was ordered to lie on the table; as follows:

Subsection (a) of section 1738C of title 28, United States Code, as added by section 4, is amended by striking “No person acting under color of State law” and inserting “No State, territory, or possession of the United States or Indian tribe”.

**SA 6498.** Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 6487 proposed by Mr. SCHUMER (for Ms. BALDWIN (for herself, Ms. COLLINS, Mr. PORTMAN, Ms. SINEMA, Mr. TILLIS, and Ms. LUMMIS)) to the bill H.R. 8404, to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## **TITLE II—RELIGIOUS BELIEFS AND MORAL CONVICTIONS**

### **SEC. 201. PROHIBITION AGAINST DISCRIMINATION OR SEGREGATION IN PLACES OF PUBLIC ACCOMMODATION.**

(a) PLACES OF PUBLIC ACCOMMODATION.—Section 201 of the Civil Rights Act of 1964 (42 U.S.C. 2000a) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking “and” at the end;

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following:

“(4) any store, facility in a shopping center, or online retailer or provider of online services that has 1 or more employees in the current or preceding calendar year;

“(5) a social media platform provider; and”;

(2) in subsection (c)—

(A) in paragraph (1), by striking “paragraph (1)” and inserting “paragraph (1) or (5)”;

(B) in paragraph (3), by striking “and” at the end;

(C) in paragraph (4), by striking “paragraph (4)” and inserting “paragraph (6)”;

(D) by redesignating paragraph (4) as paragraph (5); and

(E) by inserting after paragraph (3) the following: “(4) in the case of an establishment described in paragraph (4) of subsection (b), it sells or offers to sell a product or service that moves, or has moved, in commerce; and”;

(3) by adding at the end the following:

“(f) The provisions of this title shall not apply to a religious institution, including place of worship, religious camp, or religious school.

“(g) For purposes of this title:

“(1) The term ‘online retailer or provider of online services’ means a commercial business, acting through a web page that invites the general public to purchase a good or service by use of a credit card or similar payment device over the internet, that provides content for the web page. The term does not mean a commercial business, acting through a web page that gives information, including information on quality, price, or availability, about a good or service but does not permit such purchase directly from the web page.

“(2) The term ‘social media platform provider’ means the provider of a public website or internet application, including a mobile internet application, social network, video sharing service, advertising network, mobile operating system, search engine, email service, or internet access service, that promotes users posting content and others consuming that content.”.

(b) EXCEPTION.—Title II of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) is amended by adding at the end the following:

#### **“SEC. 208. EXCEPTION FOR SMALL BUSINESSES.**

“(a) DEFINITION.—In this section, the term ‘small business’ means an employer who does not have 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

“(b) EXCEPTION.—No small business shall be required, under this title or any other Federal, State, or local law, to provide a service related to a marriage of individuals of the same sex, if the small business declines to provide the service in accordance with a sincerely held religious belief, or moral conviction, that marriage is or should be recognized as a certain type of union. For purposes of this subsection, services related to marriage include services for any ceremony or related celebration of the marriage.”.

#### **SEC. 202. DETERMINATION OF TAX-EXEMPT STATUS MADE WITHOUT REGARD TO RELIGIOUS BELIEFS.**

Section 501(c)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking “Corporations” and inserting the following:

“(A) IN GENERAL.—Corporations”, and

(2) by adding at the end the following new subparagraph:

“(B) DETERMINATION MADE WITHOUT REGARD TO RELIGIOUS BELIEFS.—

“(i) IN GENERAL.—Any determination whether an organization is organized or operated exclusively for religious, charitable, scientific, literary, or educational purposes or complies with legal standards of charity shall be made without regard to the organization’s religious beliefs or practices concerning the validity of marriages between individuals of the same sex.

“(ii) RELIGIOUS.—For purposes of this paragraph, the term ‘religious’ includes all aspects of religious belief, observance, and practice, whether or not compelled by, or central to, a system of religion.”.

#### **SEC. 203. CHILD WELFARE PROVIDER INCLUSION ACT.**

(a) SHORT TITLE OF SECTION.—This section may be cited as the “Child Welfare Provider Inclusion Act of 2022”.

(b) PURPOSES.—The purposes of this section are as follows:

(1) To prohibit governmental entities from discriminating or taking an adverse action against a child welfare service provider on the basis that the provider declines to provide a child welfare service that conflicts, or under circumstances that conflict, with the sincerely held religious beliefs or moral convictions of the provider.

(2) To protect child welfare service providers’ exercise of religion and to ensure that governmental entities will not be able to force those providers, either directly or indirectly, to discontinue all or some of their child welfare services because they decline to provide a child welfare service that conflicts, or under circumstances that conflict, with their sincerely held religious beliefs or moral convictions.

(3) To provide relief to child welfare service providers whose rights have been violated.

#### **(c) DISCRIMINATION AND ADVERSE ACTIONS PROHIBITED.—**

(1) IN GENERAL.—The Federal Government, and any State that receives Federal funding for any program that provides child welfare services under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 671 et seq.) (and any subdivision, office or department of such State) shall not discriminate or take an adverse action against a child welfare service provider on the basis that the provider has declined or will decline to provide, facilitate, or refer for a child welfare service that conflicts with, or under circumstances that conflict with, the provider’s sincerely held religious beliefs or moral convictions.

(2) LIMITATION.—Paragraph (1) does not apply to conduct forbidden by paragraph (18) of section 471(a) of such Act (42 U.S.C. 671(a)(18)).

(d) FUNDS WITHHELD FOR VIOLATION.—The Secretary of Health and Human Services shall withhold from a State 15 percent of the Federal funds the State receives for a program that provides child welfare services under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 671 et seq.) if the State violates subsection (c) when administering or disbursing funds under such program.

#### **(e) PRIVATE RIGHT OF ACTION.—**

(1) IN GENERAL.—A child welfare service provider aggrieved by a violation of subsection (c) may assert that violation as a claim or defense in a judicial proceeding and obtain all appropriate relief, including declaratory relief, injunctive relief, and compensatory damages, with respect to that violation.

(2) ATTORNEYS’ FEES AND COSTS.—A child welfare service provider that prevails in an action by establishing a violation of subsection (c) is entitled to recover reasonable attorneys’ fees and costs.

(3) WAIVER OF SOVEREIGN IMMUNITY.—By accepting or expending Federal funds in connection with a program that provides child welfare services under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 671 et seq.), a State waives its sovereign immunity for any claim or defense that is raised under this subsection.

(f) SEVERABILITY.—If any provision of this section, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this section and the application of the provision to any other person or circumstance shall not be affected.

#### **(g) EFFECTIVE DATE.—**

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the 1st day of the 1st fiscal year beginning on or after the date of the enactment of